

EXHIBIT 10

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 ANNE DE LACOUR, ANDREA WRIGHT, and
5 LOREE MORAN, individually and on
6 behalf of all others similarly
7 situated,

Plaintiffs,

-against-

Civil Action

No. 1:16-cv-08364

COLGATE-PALMOLIVE CO.,

and TOM'S OF MAINE INC.,

Defendants.

11 -----x

12 July 17, 2018

9:42 a.m.

13
14 Videotaped Deposition of LOREE
15 MORAN, taken by Defendants, pursuant to
16 Notice, at the offices of Latham &
17 Watkins LLP, 885 Third Avenue, New York,
18 New York, before ERIC J. FINZ, a
19 Shorthand Reporter and Notary Public
20 within and for the State of New York.
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1 other than the Crystal product available
2 from Amazon?

3 A. I don't think so. I'm not 100
4 percent certain.

5 Q. Let me ask you to take a look
6 on page 9 of Exhibit 4, paragraph 24.
7 And there you say, "The term 'natural'
8 means existing in nature and not made or
9 caused by people, coming from nature."

10 Do you see that?

11 A. Yes, I do.

12 Q. Is that your definition of
13 "natural"?

14 A. That is very -- that aligns
15 and agrees with my definition of
16 "natural."

17 Q. So not made by people, is what
18 you say natural is?

19 A. No, I didn't say that.

20 Q. Well, that's what your
21 complaint says. That's why I'm a little
22 bit confused. Your complaint says, "The
23 term 'natural' means existing in nature
24 and not made or caused by people."

1 A. The product itself would need
2 to be assembled by people, put in a
3 factory, and that involves people. So
4 it's a fine line, the question you're
5 asking, the role of people in the
6 creation of a product. Short of going
7 outside and grabbing a leaf off a tree
8 and rubbing it under your arms, people
9 have to be involved somewhere. So the
10 degree that people are involved is the
11 question.

12 So I'm not sure what you're
13 asking. I mean, if you're asking me are
14 people involved at all.

15 Q. I'm just reading what's in
16 your complaint, Ms. Moran. I'm trying to
17 understand what it is you're alleging
18 here. And what you say is "natural means
19 existing in nature and not made or caused
20 by people." That sounds now like you're
21 hedging a little bit on that. Is that
22 the case?

23 A. I'm not hedging.

24 Q. Okay. So not made by people

1 and existing in nature is what "natural"
2 means to you. Is that right?

3 A. Existing in nature, not made
4 or caused by people. As in the
5 development of a chemical, would be my
6 understanding of that.

7 Q. So not made by people means --

8 A. This actually isn't my
9 definition, it's the Miriam Webster
10 Dictionary definition.

11 Q. I understand that. I see the
12 citation to it. I thought that its
13 presence in this complaint to which
14 you're a party meant that you signed on
15 to that.

16 But maybe I'll just ask it
17 this way: Do you agree that that is a
18 definition of "natural" that is useful in
19 this case, not made by people?

20 A. Am I understanding that you're
21 taking one part of the definition and
22 using it as the whole?

23 Q. Well, let's use the whole
24 thing. "Existing in nature and," right,

1 you know as an educator, that means it
2 has to be both of those things, that is,
3 existing in nature, one of the things it
4 has to be, and not made or caused by
5 people. Right? And then there is a
6 semicolon, "coming from nature," that's
7 another way of saying the same thing,
8 isn't it? Am I reading English
9 correctly?

10 A. Well, the following word is
11 "or." So you have "and" and "or" within
12 the same sentence. They are not mutually
13 exclusive.

14 Q. Okay. So are we looking
15 really at just what follows "or," the
16 "not having any extra substances or
17 chemicals added, not containing anything
18 artificial," is that what you're more
19 focused on?

20 A. No.

21 Q. You're focused on both of
22 them?

23 A. I'm inclusive of all of it.

24 Q. "Or" is disjunctive, right, it

1 means one or the other?

2 A. Correct.

3 Q. Okay. So you could pick from
4 those two, or you could say I agree with
5 both of them as they're written. Which
6 one is it?

7 A. I agree in essence with all of
8 it as written.

9 Q. Okay. So you stand by the
10 existing in nature and not made or caused
11 by people, semicolon, coming from nature.
12 Is that right?

13 A. Yes.

14 Q. Okay. And you think that
15 that's the way other people think of
16 natural in the context of underarm
17 protection products. Is that right?

18 A. I can't speak for what other
19 people are saying.

20 Q. Let me ask you, for purposes
21 of this case you believe that this
22 definition that you like of "natural,"
23 "existing in nature, not made or caused
24 by people; coming from nature," is

1 representative of the way other people
2 think of this. Is that right?

3 A. Yes.

4 Q. Let me ask you to look at page
5 -- paragraph 25, which is on the next
6 page of Exhibit 4. And there it says,
7 "The United States Food and Drug
8 Administration, FDA, has also issued
9 guidance on the term 'natural' in the
10 context of food," and then it goes on.

11 Do you see that?

12 A. Yes, I do.

13 Q. What does the food definition
14 of "natural" have to do with the products
15 in this case, if anything, in your view?

16 A. I'm not sure, except that the
17 FDA, it's the Food and Drug
18 Administration.

19 Q. Right.

20 A. So wouldn't they encompass
21 other than food?

22 Q. Is deodorant, do you know if
23 deodorant is regulated by the FDA?

24 MR. KOPEL: Objection; calls

1 C E R T I F I C A T E

2 STATE OF NEW YORK)

: ss.

3 COUNTY OF NEW YORK)

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5 I, ERIC J. FINZ, a Shorthand
6 Reporter and Notary Public within and for
7 the State of New York, do hereby certify:

8 That LOREE MORAN, the witness whose
9 deposition is hereinbefore set forth, was
10 duly sworn by me and that such deposition
11 is a true record of the testimony given
12 by the witness.

13 I further certify that I am not
14 related to any of the parties to this
15 action by blood or marriage, and that I
16 am in no way interested in the outcome of
17 this matter.

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 30th day of July,
20 2018.

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23 ERIC J. FINZ
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